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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/624,916 | 07/24/2000 | Koji Nakamura | FJ-2000-009-US | 5707 |

7590 01/20/2004

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Suite 100
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Arlington, VA 22209

EXAMINER

TRAN, DOUGLAS Q

| ART UNIT | PAPER NUMBER |
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2624

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

JAN 30 2004

Technology Center 2600

Office Action Summary

Application No.

09/624,916

Applicant(s)

NAKAMURA ET AL.

Examiner

Douglas Q. Tran

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Koyama (US Patent No. 6,072,936) and Dellert et al. (6,154,755).

As to claim 1, Koyama teaches an image inputting and outputting apparatus (24 in fig. 1), comprising:

an image inputting device (24 in fig. 1) which reads image data of at least one image recorded in a recording medium (25 in fig. 1, col. 3, lines 32-33);

a determining device which determines a number of pixels of the image data read by the image inputting device (col. 3, lines 35-37);

a judging device which judges quality of an image that will be obtained when the image data read by the image inputting device is outputted to an outputting apparatus that performs at least one of printing and displaying of the at least one image, according to the number of the

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pixels determined by the determining device and number of pixels required by the outputting apparatus (col. 3, lines 48-51 indicates that the high resolution vide data used for printing and a middle resolution video data for the monitor 23);

a displaying device which displays the at least one image according to the image data read by the image inputting device and displays a judging result obtained by the judging device;

an instructing device (23 in fig. 2) which issues an instruction to an image outputting device to output the image data to the outputting apparatus; and the image outputting device (29 in fig. 2) which outputs the image data to the outputting apparatus according to the instruction issued by the instructing device (col. 4, lines 57-60).

Although Koyama teaches a displaying device which displays the at least one image according to the image data read by the image inputting device, Koyama does not teaches of displays a judging result obtained by the judging device;

Dellert teaches displays image and a judging result obtained by the judging device (please see fig. 2, col. 3, lines 58-65).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the display device of Koyama for displaying the image and information of that image as taught by Dellert. The suggestion for modifying the system of Koyama can be reasoned by one of ordinary skill in the art as set forth above by Dellert because the modified system would increase the efficiency for allowing the user know the information of the original image data.

As to claim 2, Koyama and Dellert disclose every feature discussed in claim 1, and Koyama further teaches of an image output size selecting device which selects an image output

size out of image output sized for the at least one of the printing and the displaying, wherein the judging device changes the number of the pixels required by the outputting apparatus according to the image output size selected by the image output size selecting device to judge the quality of the image (col. 3, lines 48-53).

As to claim 3, Koyama and Dellert disclose every feature discussed in claim 1, and Dellert further teaches the displaying device displays a plurality of images as a list and displays the judging result obtained by the judging device for each of the plurality of the images (please see fig. 2 with index of the image data is captured).

As to claim 4, Koyama and Dellert disclose every feature discussed in claim 3, and further teaches the instructing device comprises an image selecting device which selects at least one image to be outputted to the outputting apparatus from the plurality of images displayed on the displaying device (please see fig. 2 with index of the image data is captured).

As to claim 5, Koyama and Dellert disclose every feature discussed in claim 1, and Dellert further teaches the image data includes at least main image data of the main image data and list image data (note that any image on the index is main image data).

As to claim 6, Koyama and Dellert disclose every feature discussed in claim 5, and further teaches the same limitations from claims 1 and 5.

As to claim 7, Koyama and Dellert disclose every feature discussed in claim 1, and Dellert further teaches the displaying device displays information on the quality of the image by at least one of colors, words and marks according to the judging result (please see the index of pictures from fig. 2).

As to claim 8, Koyama discloses every feature discussed in claim 1, and further teaches the displaying device indicates the quality of the image by at least two colors of red, yellow, and blue according to the judging result (col. 6, lines 58-60).

As to claim 9, Koyama and Dellert disclose every feature discussed in claim, and Dellert further teaches the displaying device displays, around the judging result, a frame in a color according to the quality of the image (Please see fig. 2 and col. 3, lines 12-27).

As to claim 10, Koyama and Dellert disclose every feature discussed in claim, and Dellert further teaches the displaying device displays, according to the judging result, at least one of that the number of the pixels of the image data is too large, that the number of pixels of the image data is too small, and that it is impossible to input the image data (please see the flow chart in fig. 7B, col. 5, lines 30-37).

As to claim 11, Koyama and Dellert disclose every feature discussed in claim, and further teaches the outputting apparatus is one of a printer, a display, and a device on a network.

As to claim 12, Koyama teaches an image inputting and outputting apparatus (24 in fig. 1), comprising:

an image inputting device (24 in fig. 1) which reads image data of at least one image and information recorded in a recording medium (25 in fig. 1, col. 3, lines 32-33);

a determining device which determines a number of pixels of the image data read by the image inputting device (col. 3, lines 35-37);

a judging device which judges quality of an image that will be obtained when the image data read by the image inputting device is outputted to an outputted apparatus that performs at

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least one of printing and displaying of the at least one image, according to the number of the pixels determined by the determining device and number of pixels required by the outputting apparatus (col. 3, lines 48-51 indicates that the high resolution video data used for printing and a middle resolution video data for the monitor 23);

a displaying device which displays the at least one image according to the image data read by the image inputting device and displays a judging result obtained by the judging device;

an instructing device (23 in fig. 2) which issues an instruction to an image outputting device to output the image data to the outputting apparatus; and the image outputting device (29 in fig. 2) which outputs the image data to the outputting apparatus according to the instruction issued by the instructing device (col. 4, lines 57-60).

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Dellert teaches displays image and a judging result obtained by the judging device (please see fig. 2, col. 3, lines 58-65).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the display device of Koyama for displaying the image and information of that image as taught by Dellert. The suggestion for modifying the system of Koyama can be reasoned by one of ordinary skill in the art as set forth above by Dellert because the modified system would increase the efficiency for allowing the user know the information of the original image data.

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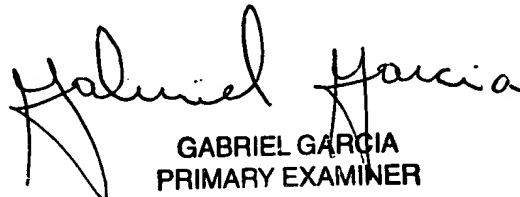
As to claims 13-20, due to the same similarities of these claims to those of claims 2-9, these claims rejected as the reasons applied to claims 2-9.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas Q. Tran whose telephone number is (703) 305-4857 or E-mail address is Douglas.tran@uspto.gov.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Douglas Q. Tran
Dec. 16, 2003


GABRIEL GARCIA
PRIMARY EXAMINER